

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Benjamin Rodriguez,

Petitioner

v.

Clark County Detention Center, et al.,

Respondents

Case No. 2:22-cv-01355-JAD-NJK


**Order Directing Petitioner to Either Pay
Filing Fee or File IFP
Application by September 30, 2022**

In order to obtain federal habeas review under 28 U.S.C. § 2241, a petitioner must either pay the required \$5 filing fee or submit an application for leave to proceed *in forma pauperis* (IFP).¹ When Petitioner Benjamin Rodriguez commenced this action, he did not pay the \$5 filing fee or submit an IFP application. As a result, this action is improperly commenced and will not proceed unless and until Rodriguez either pays the \$5 filing fee or submits a complete IFP application with all required documentation.

IT IS THEREFORE ORDERED that Rodriguez must either (1) **pay** the \$5 filing fee or (2) **file** an IFP application that includes: (a) a financial certificate signed by Rodriguez and an authorized prison official, (b) a financial declaration and acknowledgement signed by Rodriguez, and (c) a copy of his inmate account statement for the six-month period prior to filing. **If he fails to do so by September 30, 2022, this case will be dismissed without prejudice and without further prior notice.** If Rodriguez decides to pay the filing fee from his inmate account, he must arrange to have a copy of this order attached to the check for the filing fee.

¹ Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he submits an IFP application on the approved form and includes three specific documents: (a) the prisoner's financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner's account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

1 The Clerk of Court is instructed to **SEND** Rodriguez a blank form IFP application for
2 incarcerated litigants along with two copies of this order.

3
4 
5 U.S. District Judge Jennifer A. Dorsey
6 DATED: August 31, 2022.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28